

HARVEY SISKIND LLP
D. Peter Harvey (SBN 55712)
pharvey@harveysiskind.com
Seth I. Appel (SBN 233421)
sappel@harveysiskind.com
4 Embarcadero Center, 39th Floor
San Francisco, California 94111
Telephone: (415) 354-0100
Facsimile: (415) 391-7124

Attorneys for Defendants
RED HAT, INC. and
RED HAT MIDDLEWARE, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FIRESTAR SOFTWARE, INC.,

Plaintiff,

v.

RED HAT, INC., et al.,

Defendants.

Case No. C 07-80204 MISC MMC (EMC)

**NOTICE OF WITHDRAWAL
OF SUBPOENA**

Red Hat, Inc. and Red Hat Middleware, LLC ("Red Hat") hereby withdraw their subpoena, served on Thought, Inc. ("Thought") on August 6, 2007.

Respectfully submitted,

Dated: March 18, 2008

HARVEY SISKIND LLP

By: _____
Seth I. Appel

Attorneys for Defendants
RED HAT, INC. and RED HAT MIDDLEWARE, LLC

PROOF OF SERVICE

The undersigned declares: I am a resident of the United States and am employed in the City and County of San Francisco, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 4 Embarcadero Center, 39th Floor, San Francisco, CA 94111.

On the date stated below, I served the following documents:

• **NOTICE OF WITHDRAWAL OF SUBPOENA**

by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested parties herein and addressed to:

John Jason Gentry Mullins, Esq.
5 Third Street, Suite 815
San Francisco, CA 94103
Counsel for Thought, Inc.

Allen F. Gardner, Esq.
Michael E. Jones, Esq.
Potter Minton, A Professional Corporation
P.O. Box 359
Tyler, TX 75710
Counsel for Red Hat, Inc.
and Red Hat Middleware LLC

Melvin R. Wilcox, III
Smead, Anderson & Dunn
2110 Horseshoe Lane
P.O. Box 2243
Longview, TX 75606
Counsel for FireStar Software, Inc.

William H. Boice, Esq.
Kilpatrick Stockton LLP
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530
Counsel for Red Hat, Inc.
and Red Hat Middleware LLC

Brian J. McNamera, Esq.
Foley & Lardner
3000 K Street NW, Suite 500
Washington, DC 20007
Counsel for FireStar Software, Inc.

Steven Gardner, Esq.
Steven D. Moore, Esq.
John C. Alemanni, Esq.
Jon R. Pierce, Esq.
Kilpatrick Stockton LLP
1001 West 4th Street
Winston-Salem, NC 27104
Counsel for Red Hat, Inc.
and Red Hat Middleware LLC

X

MAIL: I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addressee(s) designated. I am readily familiar with the business practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of business.

FEDERAL EXPRESS – OVERNIGHT DELIVERY: I caused such envelope to be deposited with the Federal Express Office prior to the cut-off time for next day delivery with a shipping label properly filled out with delivery to be made to the addressee designated.

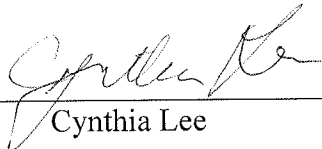
1 **HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the
2 addressee(s) designated.

3 **VIA FAX:** The facsimile machine I used complied with California Rules of Court,
4 Rule 2003, and no error was reported by the machine. Pursuant to California Rules of
5 Court, Rule 2006(d), I caused the machine to print a transmission record of the
6 transmission, a copy of which is attached to this declaration.

7 **X** **(FEDERAL):** I declare that I am employed by the office of a member of the bar of
8 this court at whose direction the service was made.

9 **(STATE):** I declare under penalty of perjury under the laws of the State of California
10 that the foregoing is true and correct.

11 Executed on March 18, 2008 at San Francisco, California.

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13 _____
14 Cynthia Lee
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